

ORIGINAL  
FILE

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

APR 29 1992

In the Matter of )  
Tariff Filing Requirements for )  
Interstate Common Carriers )  
\_\_\_\_\_ )

CC Docket No. 92-13

REPLY COMMENTS OF SPRINT COMMUNICATIONS COMPANY L.P

Sprint Communications Company L.P. ("Sprint") hereby  
submits its Reply Comments in the above-captioned docket.

In its Comments AT&T faults the Commission for seeking  
comments regarding the Commission's long-standing voluntary  
forbearance policy because, in AT&T's view, the "pure questions  
of law have been decided", and there are no "policy" issues for  
left for the Commission to address. In an attempt to support  
this position, AT&T cites the Supreme Court's decision in  
Maislin Industries v. Primary Steel, Inc. (110 S.Ct. 2759  
(1990), "Maislin"), and the D.C. Circuit case, MCI v. FCC (765  
F.2d 1186 (1985)). The difficulty with AT&T's reliance upon  
these cases is that, as Sprint explained in its initial  
Comments, neither case invalidates the Commission's voluntary  
forbearance policy, and thus they are hardly dispositive of the  
voluntary forbearance issue.

Maislin dealt with different factual circumstances,  
different rules and a different agency. There, the Supreme  
Court upheld the long-standing regulatory policy known as the  
"filed-rate doctrine." and did not deal with the policy of  
voluntary forbearance.

No. of copies rec'd \_\_\_\_\_  
No. of copies to be \_\_\_\_\_  
List A B C D E

0+6

Moreover, the Supreme Court explained that the policy of the Interstate Commerce Commission which was at issue in Maislin was not sanctioned by Congress. In contrast, as Sprint and others have explained, (see e.g., Comments of the Competitive Telecommunications Association ("Comptel") and MCI), the TOSCA legislation, and its associated legislative history, provide strong support for a reading of Section 203 of the Communications Act which is consistent with the Commission's voluntary forbearance policy.

Likewise, the D.C. Circuit's opinion in MCI v. FCC is of little help to AT&T's position that the Commission has no choice but to overturn its voluntary forbearance policy. The D.C. Circuit specifically did not decide the issue of the legality of voluntary forbearance, even though such question was before it (see 765 F.2d 1186 at 1189-90, fn. 3, and at 1196).

Plainly, AT&T's reliance upon Maislin and MCI v. FCC, is misplaced. Contrary to AT&T's arguments, there are significant questions of policy involved here. The public, various members of the telecommunications industry, and the Commission all will be dramatically affected if the Commission revises its current policy, as many commenters have discussed (see e.g., Comments of MCI, Telecommunications Marketing Assn., RCI Long Distance, Commonwealth Long Distance). A change in the rules would lead to economic inefficiencies and increased burdens on the Commission, telecommunications companies and the public (see Sprint Comments at 16-17).

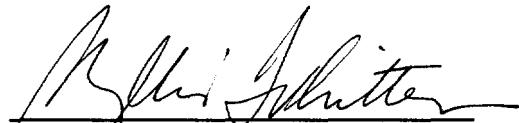
In adopting its voluntary forbearance policy, the Commission examined and discussed the legal basis for the approach it has taken for the past ten years. As Sprint noted in its Comments, that legal basis is at least as strong now, if not stronger, than when the policy was adopted. There is no reason to require filing of tariffs by carriers without market power.

Nonetheless, if the Commission determines that all carriers must file tariffs, such filings should occur on a minimum of fourteen days notice. Some commenters have suggested a streamlined procedure in which some carriers tariffs would be effective on a one day notice (see e.g., Comments of ACC Long Distance, CompTel, First Financial Management Corporation). Such procedure does not allow the staff or interested parties any time for meaningful review of filings, and suggestions that filing requirements be revised in that manner should be rejected.

WHEREFORE, for the reasons discussed above and in Sprint's initial Comments, Sprint respectfully encourages the Commission to continue its long-standing policy of voluntary forbearance for non-dominant carriers.

RESPECTFULLY SUBMITTED,

SPRINT COMMUNICATIONS  
COMPANY L.P.

A handwritten signature in dark ink, appearing to read "Michael B. Fingerhut", is written over a horizontal line.

Michael B. Fingerhut  
Phyllis A. Whitten  
1850 M Street, N.W.  
Suite 1110  
Washington, D.C. 20036  
(202) 857-1030

April 29, 1992

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Reply Comments of Sprint Communications Company L.P." was sent by first-class mail, postage prepaid, on this the 29th day of April, 1992, to the below-listed parties:

Richard M. Firestone\*  
Chief, Common Carrier Bureau  
Federal Communications  
Commission  
1919 M St., N.W., RM 500  
Washington, D.C. 20554

John Cimko, Jr., Chief\*  
Tariff Division  
Federal Communications  
Commission  
1919 M St., N.W., RM 518  
Washington, D.C. 20554

Carl D. Lawson, Deputy Bureau\*  
Chief (Policy)  
Common Carrier Bureau  
Federal Communications  
Commission  
1919 M St., N.W., RM 500  
Washington, D.C. 20554

Ann Stevens, Chief\*  
Tariff Division  
Legal Branch  
Federal Communications  
Commission  
1919 M St., N.W., RM 518  
Washington, D.C. 20554

Colleen Boothby\*  
Tariff Division  
Federal Communications  
Commission  
1919 M St., N.W., RM 518  
Washington, D.C. 20554

Gary Phillips\*  
Policy Division  
Federal Communications  
Commission  
1919 M St., N.W., RM 544  
Washington, D.C. 20554

James D. Schlichting, Chief\*  
Policy & Program Planning  
Division  
Common Carrier Bureau  
1919 M St., N.W., RM 544  
Washington, D.C. 20554

Andy Lachance\*  
Policy Division  
Federal Communications  
Commission  
1919 M St., N.W., RM 544  
Washington, D.C. 20554

Downtown Copy Center\*  
1919 M St., N.W. RM 246  
Washington, D.C. 20554

Andrew O. Isar  
Director of Industry Relations  
Telecommunications Marketing  
Association  
14405 SE 36th St., Suite 300  
Bellevue, WA 98006

Andrew D. Lipman  
Russell M. Blau  
Swidler & Berling, Chartered  
3000 K Street, N.W.  
Washington, D.C. 20007  
Attorneys for Local Area  
Telecommunications, Inc.

Josephine S. Trubek, Esq.  
Rochester Tel Center  
180 S. Clinton Avenue  
Rochester, NY 14646-0700

Martin W. Bercovici  
Carol Moors Toth  
Keller and Heckman  
1001 G Street, N.W.  
Washington, D.C. 20001  
Attorneys for Mobile Marine  
Radio, Inc.

Thomas J. Casey  
Jay L. Birnbaum  
Simone Wu  
Timothy R. Robinson  
Skadden, Arps, Slate,  
Meagher & Flom  
1440 New York Ave., N.W.  
Washington, D.C. 20005

R. Michael Senkowski  
Jeffrey S. Linder  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
Tele-Communications Ass'n

Andrew D. Lipman  
Catherine Wang  
Swidler & Berlin, Chartered  
3000 K Street, N.W.  
Washington, D.C. 20007

L. Marie Guillory  
National Telephone Cooperative  
Association  
2626 Pennsylvania Ave., N.W.  
Washington, D.C. 20037

Stuart G. Meister  
Fairchild Communications  
Services Company  
300 West Service Road  
Chantilly, VA 22021-0804

Andrew D. Lipman  
Helen E. Disenhaus  
Swidler & Berlin, Chartered  
3000 K Street, N.W.  
Washington, D.C. 20007  
ACC Lone Distance, Inc.

David L. Nace  
Marci E. Greenstein  
Lukas, McGowan, NACE & Gutierrez  
1819 H St., N.W., 7th Floor  
Washington, D.C. 20006

Francine J. Berry  
Mark C. Rosenblum  
Roy E. Hoffinger  
AT&T  
Room 3244J1  
295 North Maple Avenue  
Basking Ridge, NJ 07920

Joe D. Edge  
Sue W. Bladdek  
Hopkins & Sutter  
888 16th Street, N.W.  
Washington, D.C. 20006

Bob F. McCoy  
Joseph W. Miller  
Patricia E. Martin  
Williams Telecommunications  
P.O. Box 2400  
One Williams Center  
Tulsa, Oklahoma 74102

James S. Blaszk  
Patrick J. Whittle  
Gardner, Carton & Douglas  
1301 K Street, N.W., Suite 900  
Washington, D.C. 20005  
Ad Hoc Telecommunications  
Users Committee

Philip L. Verveer  
Sue D. Blumenfeld  
Michele R. Pistone  
Willkie Farr & Gallagher  
1155 21st St., N.W., Suite 600  
Washington, D.C. 20036

Richard E. Wiley  
Danny E. Adams  
Rachel J. Rothstein  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

Thomas J. Casey  
Jay L. Birnbaum  
Simone Wu  
Timothy R. Robinson  
Skadden, Arps, Slate, Meagher  
& Flom  
1440 New York Avenue, N.W.  
Washington, D.C. 20005  
Attorneys for OCOM Corp.

Timothy B. Hackman  
International Business  
Machines Corporation  
2000 Purchase Street  
Purchase, NY 10577

J. Roger Wollenberg  
William T. Lake  
Jonathan Jacob Nadler  
Wilmer, Cutler & Pickering  
2445 M Street, N.W.  
Washington, D.C. 20037  
Counsel for IBM

Stuart G. Meister  
Fairchild Communications  
Services Company  
300 West Service Road  
Chantilly, VA 22021-0804

Michael F. Altschul  
Cellular Telecommunications  
Industry Association  
1133 21st Street, N.W.  
Washington, D.C. 20036

Philip L. Verveer  
Sue D. Blumenfeld  
Michele R. Pistone  
Willkie Farr & Gallagher  
1155 21st Street, N.W.  
Suite 600  
Washington, D.C. 20036  
Counsel for Cellular  
Telecommunications Industry  
Association

James D. Heflinger  
LiTel Telecommunications  
Corporation  
dba: LCI International  
4650 Lakehurst Court  
Dublin, OH 43017

Richard E. Wiley  
Danny E. Adams  
Rachel J. Rothstein  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
Counsel for CompTel  
Frank W. Krogh  
Donald J. Elardo  
MCI Telecommunications Corp.  
1801 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

Joseph W. Miller  
Williams Telecommunications  
Group, Inc.  
Suite 3600  
P.O. Box 2400  
One Williams Center  
Tulsa, Oklahoma 74102

Andrew D. Lipman  
Russell M. Blau  
Swidler & Berlin, Chartered  
3000 K Street, N.W.  
Washington, D.C. 20007  
Attorneys for Metropolitan  
Fiber Systems, Inc.

David L. Nace  
Marci E. Greenstein  
Lukas, McGowan, Nace & Gutierre  
1819 H Street, N.W.  
7th Floor  
Washington, D.C. 20006  
Attorneys for Kin Network  
Access Division

Richard M. Singer  
Sue W. Bladek  
Hopkins & Sutter  
888 16th Street, N.W.  
Washington, D.C. 20006  
Counsel for MCI

Randolph J. May  
David A. Gross  
Elizabeth C. Buckingham  
Sutherland, Asbill & Brennan  
1275 Pennsylvania Ave., N.W.  
Washington, D.C. 20004-2404  
Attorneys for First Financial  
Management Corporation

James S. Blaszak  
Patrick J. Whittle  
Gardner, Carton & Douglas  
1301 K Street, N.W.  
Suite 900 East  
Washington, D.C. 20005  
Attorneys for Ad Hoc Tele-  
communications Users  
Committee

Josephine S. Trubek  
Gregg C. Sayre  
RCI Long Distance, Inc.  
Rochester Tel Center  
180 South Clinton Avenue  
Rochester, NY 14646-0700

Andrew D. Lipman  
Russell M. Blau  
Swidler & Berlin, Chartered  
3000 K Street, N.W.  
Washington, D.C. 20007  
Attorneys for Commonwealth  
Long Distance Company

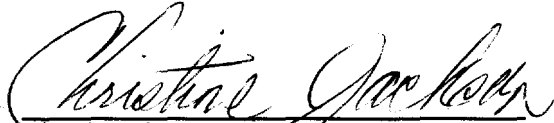
R. Michael Senkowski  
Jeffrey S. Linder  
Todd M. Stansbury  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
Attorneys for  
Tele-Communications  
Association

Brian R. Moir  
Glenn S. Richards  
Fisher, Wayland, Cooper & Leader  
1255 23rd Street, N.W.  
Suite 800  
Washington, D.C. 20037-1170  
Attorneys for International  
Communications Association

Genevieve Morelli  
Competitive Telecommunications  
Association  
1140 Connecticut Ave., N.W.  
Washington, D.C. 20036



Genevieve Morelli  
Competitive Telecommunications  
Association  
1140 Connecticut Ave., N.W.  
Washington, D.C. 20036

  
Christine Jackson

April 29, 1992

\* BY HAND